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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,039	12/15/2003	Kevin James Kroculik		4009

7590

05/07/2004

Kevin Kroculik
115 Ringneck Drive
Harrisburg, PA 17112

EXAMINER

LOBO, IAN J

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,039

Applicant(s)

KROCULICK, KEVIN JAMES

Examiner

Ian J. Lobo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/15/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 6 and 7, there is no antecedent for "said plurality of speakers".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 8-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the PG publication to Kroclick ('038).

The PG publication to Kroclick discloses a car stereo with driver warning system that includes a housing (1) adapted for mounting to the dashboard of a motor vehicle, an amplifier (11) provided within said housing for amplifying audio signals, at least one speaker (9) electrically connected to the amplifier for producing audible sounds, means

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(AM/FM tuner, compact disc, tape player) for generating audio signals electrically connected to the amplifier, radar detector means (12) for detecting the presence of police radar signals provided within the housing, alert means (23, 24) electrically connected to the radar detector means for providing at least one of a visual warning signal and audible warning signal when radar signals are detected, and muting means (31) for reducing the level of sound provided to at least one speaker from the means for generating audio signal whenever the radar detector means detects the presence of police radar signals. Independent claim 1 is so anticipated.

Dependent claims are further anticipated by structure disclosed in the Kroculick publication. Specifically, with respect to claims 2 and 3, see paragraph 20 on page 2. With respect to claims 4, 5, 8 and 9, see paragraph 85 on page 3. With respect to claim 10-12, see paragraphs 98-99 on page 3. With respect to claim 13, see paragraph 22 on page 2. With respect to claims 14-16, see paragraph 93 on page 4. With respect to claims 17 and 18, see paragraphs 91- 92 on page 4. With respect to claim 19, see volume control 31. With respect to claim 20, see paragraph 93 on page 4.

5. Claims 1, 8-14, 16, 19 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the patent to Unser et al ('086).

Unser et al discloses a combination scanning receiver for public service radio bands or broadcasts on the citizen band and radar detector warning system that includes a housing adapted for mounting to the dashboard of a motor vehicle, an

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amplifier provided within said housing for amplifying audio signals, at least one speaker electrically connected to the amplifier for producing audible sounds, means (FM/AM radio) for generating audio signals electrically connected to the amplifier, radar detector means for detecting the presence of radar signals provided within the housing, alert means electrically connected to the radar detector means for providing at least one of a visual warning signal and audible warning signal when radar signals are detected, and muting means for reducing the level of sound provided to at least one speaker from the means for generating audio signal whenever the radar detector means detects the presence of radar signals. It is noted that the statement in the preamble "A car stereo with driver warning system" does not patentably define over "the scanning receiver radio with driver warning system" of Unser et al since the statement (A car stereo with driver warning system) does not add any life or meaning to the body of the claim but merely recites functional language. Claim 1 is so anticipated by Unser et al.

Dependent claims 8-14 and 16-20 are further provided by the Unser et al patent and the structure disclosed therein.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Unser et al ('086).

Dependent claims 2 and 3 claim structure that is of obvious design choice to one of ordinary skill in the art. Specifically, with respect to claims 2 and 3, it is considered an obvious design choice whether the housing is mounted on the dashboard or underneath the dashboard.

8. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the online reference to Ohnstad.

The online reference to Ohnstad discloses that as of January 1998, the concept of a car stereo with a driver warning or alarm system, similar to that of instant claim 1, was known. Although the article does not detail the structure of the car stereo and the structure of a radar detector, such structures are well known, as evidenced by the references cited on the attached pto-892 and pto-1449 forms. Therefore, it would have been obvious to one of ordinary skill in the art, in view of the online discussion article to Ohnstad, to modify the conventional radar detector and car stereo to a single housing that mutes the car stereo when a radar signal is detected. Claim 1 is so rejected.

With respect to the dependent claims 2-20, it is obvious to one of ordinary skill in the art that the claimed features of the housing, housing placement amplifier, tuner, etc. are conventional and well within the purview of the prior art car stereo/radar detectors.

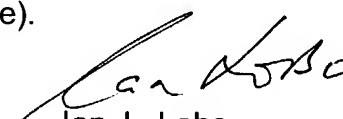
Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian J. Lobo whose telephone number is (703) 306-4161. The examiner can normally be reached on Monday - Friday, 6:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza can be reached on (703) 306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ian J. Lobo
Primary Examiner
Art Unit 3662